HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15694 of 2007

Dated 30.07.2007

Between:

Sri J.Gopala Rao and others.

...Petitioners

and

Govt. of A.P and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15694 of 2007

O R D E R:

Petitioner No.4 claims to have presented four documents to the second respondent on 04.06.2007, for registration, in respect of the plots in Survey Nos.133 ands 138 of Mansanpally Village, Maheswaram Mandal, Ranga Reddy District. The petitioners complain that the second respondent is not entertaining the documents for registration, allegedly on the basis of instructions received

from the superior authorities. It is also represented that between 21.12.2006 and 16.04.2007, the second respondent had registered as many as 12 sale deeds, in respect of the same land.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Till recently, the scope of refusal to register a document was very limited. The A.P. State Legislature had introduced Section 22-A of the Registration Act 19 of 2007, which provided for several contingencies, under which the registering authority can refuse to register a document. In addition to that, Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 prohibits registration of documents in relation to assigned lands. However, unless the document is attracted by the said provisions, the registering authority cannot refuse registration. Whenever any such reasons or grounds are noticed, they must be communicated to the parties to the document, without any loss of time. Further, the authority cannot refuse to receive the document, because the actual consideration would arise, only after it is received and examined with reference to the relevant provisions. Mere receiving of document does not confer any right or

lead to any change in relationship vis-à-vis the property.

Hence, the Writ Petition is disposed of, directing that the second respondent shall receive the documents, that may be presented by the petitioners, but shall examine the same with reference to the relevant provisions of law, including Section 22-A of the Registration Act as amended through Act 19 of 2007 and Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, the lands are not covered by the said provisions, the documents shall be admitted to registration, on being satisfied about the adequacy of stamp duty and registration charges. On the other hand, if the registration is prohibited under the said provisions, the reasons shall be communicated to the petitioners, within ten (10) days from the date of presentation of the documents. There shall be no order as to costs.

_____

30.07.2007

JSU